

WAKE FOREST  
UNIVERSITY

Fall/Winter 1987  
Volume 17 No. 1

# JURIST

## SCHOLARSHIPS



Appreciation  
and  
Reflections

*Vicki L. Harden*  
*A.J. Fletcher*  
*Law Scholar*

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**Fall/Winter '87, Volume 17 No. 1**

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The **Wake Forest Jurist** is published twice yearly by the Wake Forest School of Law of Wake Forest University. Its main purpose is to inform the friends and alumni of the Law School about activities and events of interest at the Law School, of recent important decisions by the courts of North Carolina and other jurisdictions, and news of the achievements and activities of fellow alumni. In this way the **Jurist** seeks to provide a service and a meaningful link between the School of Law and its alumni. Also, the magazine shall provide a forum for the creative talents of students, faculty and its alumni and an opportunity for legal writing by them. Opinions expressed and positions advocated herein are those of the authors and do not represent official policy of the School of Law.

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**COVER PHOTO** Vicki L. Harden, first-year student from Tulsa, Oklahoma, is a recipient of the A.J. Fletcher Law Scholarship. (photo by William Toole)



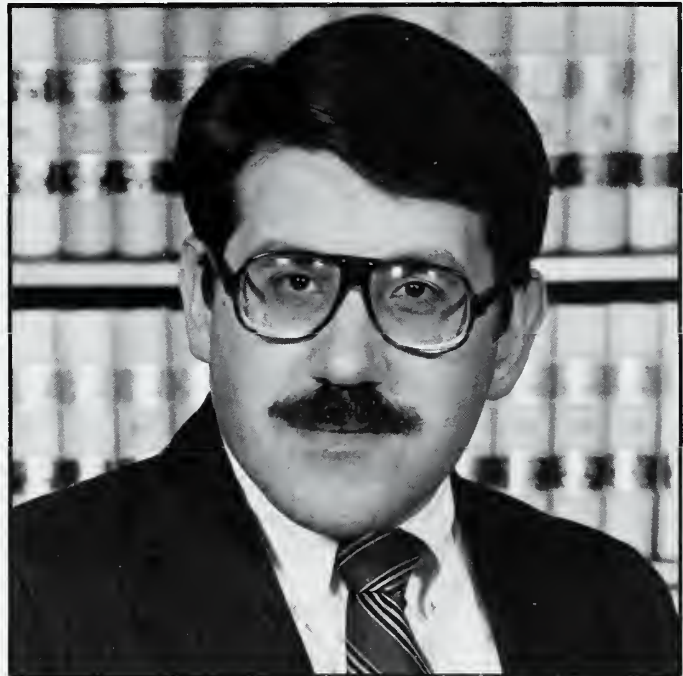
# The Dean's Column

Having completed one full year of the 440 plan, we are beginning to evaluate its impact on the law school program. To the casual visitor at Carswell Hall these days, the law school appears to be the same familiar place. However, a quiet renaissance blossoms within its walls, a renaissance that serves older traditions while blending them with the challenges offered by modern legal education.

The 440 plan reaffirmed the traditional spirit of a Wake Forest legal education. Little has been said about the philosophical premises of the 440 plan that emerged from the faculty's discussion of program models of legal education in 1985. But, the planning process cemented an unspoken agreement about the basic premises of a Wake Forest education that proclaims our unique heritage. This agreement both followed the past and grasped the future.

The Wake Forest philosophy of legal education emphasizes the careful and creative cultivation of prudence and practical wisdom — developing the capacity to deliberate rightly about what is good and advantageous for the community. Good lawyers must possess more than substantive competence. Good lawyers must not only possess practical skills, but they must also exercise prudent judgment. Moreover, the good lawyer is principled, committed not only to the Code of Professional Responsibility but also to the fundamental values associated with being a “good person.”

The task of legal education at Wake Forest is to teach the lawyer to deliberate prudentially, to define and to refine the concept of justice. This process requires us to cultivate the skills important to deliberation — a capacity to marshal and fashion principles, rules, and facts through prudential reasoning. The plan of legal education most suitable for implementing prudential deliberation is an integrated curriculum of traditional academic courses coupled with the opportunity for apprenticeship. This plan



*Kenneth A. Zick, II*

emphasizes the cultivation of sound and analytical skills of reasoning, writing, and communication — traditional strengths in the Wake Forest curriculum.

We have returned home with the 440 plan because it embodies the strength of a law school built on the values of Gulley, Timberlake, and Weathers. The 440 plan acknowledges that individuals can grow best professionally in a supportive community of students and teachers that rigorously demands individual responsibility, both inside and outside the classroom, for one's arguments, beliefs, and conduct. While to the outsider this ineffable quality may sound artificial or unreal, to the Wake Forester this ethos is readily understood and appreciated. Walter Lippman in *The Good Society* referred to it as the ultimate expression of the higher law when he said, “We are in truth members of one another, and a philosophy which seeks to differentiate

the community from the persons who belong to it is contrary to fact and can lead only to moral bewilderment.” The law school is still a place for the kind of moral and intellectual enrichment that only comes from close interaction in a community of scholarship, one on one, with faculty who care about how students interpret, justify, challenge, and practice the law. Only by decreasing student enrollment and adding faculty can we fully recapture this spirit of the past.

So we have returned home with our policy of sectioning all first year classes into groups of 40 students. We understand that individual responsibility for legal judgment and justification begins in the classroom. If the class is too large, Socratic dialogue is unwieldy if not impossible. Student weaknesses are not comprehensively explored. Individual needs are difficult to assess, and class preparation and performance difficult to monitor and evaluate. Prac-

tice exams, simulation, and problem solving become impossible. Student anxiety increases without opportunities for questioning, feedback, and demanding colloquy. A survey conducted last year in two sections which had to be combined for two weeks confirmed our suppositions about its value. Eighty-five percent of these first year students preferred the small section even though they recognized that it imposed a greater burden on them for class preparation and performance.

But the 440 plan also grasps the future in legal education. Computer assisted lessons in law allow the teacher to reenforce, supplement, and evaluate principles explored in the classroom. Two of our faculty recently programmed exercises to be distributed nationally by the Center for Computer-Assisted Legal Instruction at the University of Minnesota. Wake and Harvard recently co-produced four interactive video-disc lessons in evidence which allow a student to play the role of counsel in objecting to evidence while they watch a simulated trial progress. These discs will be marketed nationwide this spring. Courses in law office management and business drafting have been developed to explore how the computer can best be used to facilitate the creative building and use of case and document files. It aims at refining the legal document drafting process. Business drafting was so popular last year that another section immediately filled this year with 38 students still on the waiting list. Our legal clinic program has also expanded to add placements with RJR-

Nabisco, Burlington Industries, Reynolds Tobacco, the U.S. Attorney's office, and the National Labor Relations Board, and still we must turn away students next term who want this valuable experience.

Our faculty has also become imbued with a sense of greater purpose as the plan unfolds. Faculty involvement in professional associations and scholarship has increased dramatically. Spurred on by the creation of a university funded research program, eight articles appeared last year in law reviews such as Cornell, Wisconsin and Boston University. Professor Gerald Hartman has completed a casebook in employment law; Professor Arthur Gaudio, a recent faculty addition in the property area, has completed a text in real estate brokerage law. Two other casebooks and one student treatise are in the planning and development stages. Faculty involvement has also extended to greater participation in bar association activities. Last year Professor Ralph Peeples was reporter for the *Dispute Resolution Task Force Report* published by the North Carolina Bar Foundation, and Professor George Walker co-authored the *Rules for Court — Ordered Arbitration in North Carolina* recently adopted by the Supreme Court. To assist these efforts, Professor David Logan's faculty development committee has put together a series of faculty colloquies on research and scholarship to allow faculty to share the progress of on-going projects with each other.

The Law Review and Moot Court Board continue to grow and prosper. This year the law review revised its

format and will catch up with its publication schedule by completing five issues, including a business law symposium featuring prominent authors in that area of close corporations. The Moot Court Board under advisor Professor Charles Rose, continues an unprecedented record of advancing to the finals of national Moot Court Competition in New York representing the Southeastern region for the fourth consecutive year. Against this backdrop distinguished judges, lawyers, and academics have been invited to participate in seminars ranging from debates on drug testing to the Bicentennial of the Constitution.

With such a renaissance progressing it should not surprise you to learn that President Hearn has commissioned and funded a feasibility study for a new professional complex to house the Law School and Babcock School of Management programs.

It should not surprise you that 132 firms, corporations and agencies are interviewing at Wake this year; and that the *National Law Journal* has noted Wake's innovative plan of faculty involvement in the student recruiting and placement market.

Wake Forest has never been a more exciting place to study and learn the law. The Law School has found its place in the University, in the community, and most importantly in the minds of its faculty and students.

— Kenneth A. Zick  
Associate Dean, Academic Affairs



# Law School News and Features

## Scholarships Aid Deserving Students

Law school is expensive, and becoming more so each year. To help those interested in attending law school, Wake Forest promotes several student financial aid programs, one of which is the scholarship program. A number of law school funded and memorial scholarships are available each year. These are awarded in early spring, and selection is usually completed by mid-summer. The scholarships range from \$1,000 to \$9,000 annually and generally are based on academic record, LSAT performance, character, motivation, and professional potential. The donors may also establish additional criteria.

One of Wake Forest's scholarships, the A.J. Fletcher Law Scholarship fund, was established in 1978 through a gift from A.J. Fletcher and his son, Floyd Fletcher. Recipients are selected on the basis of academic excellence, potential for leadership in the legal profession, and personal interviews. These awards have a value for three years of \$27,000 (\$9,000 per year). To retain the scholarship the student must be in the upper quarter of the class.

Two of the Wake Forest students presently receiving the Fletcher Scholarship are Vickie Harden, a first-year student, and Leon Lee, a third-year student. Vicki has lived most of her life in Tulsa, Oklahoma, and graduated from Oklahoma State University as a political science major. When asked how the scholarship has affected her, Vicki indicated that she feels a little pressure, but, "I just remind myself that I'm here to do the best I can. If that means I do well enough to keep the scholarship, all the better." Vicki feels the best way to deal with this pressure is to try to keep the



*Leon Lee (photo by Toole)*

scholarship in low profile. The scholarship was a drawing influence in Vicki's choice of Wake Forest plus other attributes of the law school which appealed to her. "I also liked the small classes and strong legal writing program. The friendly, relaxed atmosphere that came across when I visited here was important." Vicki's plans for the future aren't definite. She worked for a senator in Washington, D.C. last summer and would like to work in Washington after graduation for a few years, possibly in an administrative agency. Beyond this, she intends to take advantage of any interesting opportunities that come her way.

Leon Lee, the third-year student who is the recipient of the Fletcher Scholarship, is from a small town in the north Georgia mountains called Young Harris, "which some people have mistaken for a law firm." He received his Associate of Arts degree from Young Harris College and his Bachelor of Arts degree in history from Berry College. Leon believes the Fletcher Scholarship has affected him in two ways. First, "It gave me a great deal of

economic security by providing me with money to attend law school." Secondly, "I feel that it placed a great deal of pressure on me to continue to do well. The economic security I spoke of earlier could only be maintained by good grades, and I felt pressure to 'live up to' being a Fletcher Scholar." Leon chose Wake Forest Law School because he knew of its reputation from various family members who attended graduate school at Wake Forest, and because of its location. He is interested in settling down in this area. Leon's long term goal is to "become the best attorney I can."

Another scholarship available at Wake Forest is the Mason Scholarship which has a total value for three years of \$4,650. The scholarship is provided for each entering class from a trust fund established by the James Walter and Marie Cornelius Mason Fund. All recipients are chosen by Mr. Mason on the basis of financial need and good scholarship, as well as personal interviews. Lee Cecil, a third-year student, is a recipient of the Mason Scholarship. During a conversation with Lee, Mr. Mason indicated that, "He chose people he thought could make a contribution to the legal profession." Lee is originally from High Point and went to North Carolina State University planning to major in veterinary medicine. During his junior year he decided he was more interested in political science, especially law and government, and changed majors to graduate with a Bachelor of Arts degree in political science. Lee says that the scholarship has made a large difference in his financial burden. "After receiving it (the scholarship), I was able to finance my tuition through a loan and part-time job. More importantly, this allowed me to get married after my first year of law school, something I could not have done otherwise. It was an important move. It stabilized me and allowed me to concentrate more on academics." Lee chose Wake Forest in order to live at home and commute. He hopes to work



*Lee Cecil (photo by Toole)*

in a small to medium size law firm with an emphasis on business law. He is presently interviewing in both North Carolina and Virginia. Ideally, Lee would like to stay in North Carolina in Raleigh, Charlotte or Asheville.

— *Sara Fielding*

*Sara Fielding is a third-year student from Lakeland, Florida.*

## Reflections of Former Scholarship Recipients

You remember it. You stared at them in class. They seemed so calm, so cool, so in charge of it all. And yet, you knew they must be worrying. After all, they were scholarship students! They had an image to protect, and that meant they *had* to do well.

Well, trust me, they remember it too. Being a scholarship student isn't always easy. I talked to two alumni that are former scholarship students, and asked them about their experience at Wake.

Clay Dawson graduated from Bluefield State College in 1979. He made it through in three years, and was first in a class of 335, with a 3.98 GPA. When he was accepted at Wake, he was offered an A.J. Fletcher Scholarship. This scholarship pays full tuition, and also gives a stipend to help with living expenses.

Mr. Dawson is a solo practitioner in Winston-Salem. He does criminal defense, employment compensation, and family law. He enjoys litigation and being his own boss. He started out on his own straight from law school.

One of the conditions of the Fletcher Scholarship is that the recipient maintain a certain class standing. Although Dawson is very grateful for his scholarship, he thinks they should do away with that condition.

"I know many excellent lawyers who were in the bottom half of their class.

"There is a weird formula in law school. Whatever it is the professors are looking for, being in law school is not like practicing law. Just because someone can get good grades on a law school exam does not mean that he or she will be able to get along with clients or win cases. I always used to marvel at some of the people who were at the top of my class, and ask myself, 'How could these people be in the top 10%?'"

One of the major differences between law practice and law school Dawson cited (excuse the pun) was that once practicing, you're really going to enjoy it.

"There are people who are legitimately going to need you." Dawson quickly added that in the real world of lawyering, hard work does pay off.

"It's amazing how many lawyers there are that come into court unprepared. When someone works hard to prepare for a case, it shows."

Another Fletcher scholar and recent graduate is Lesley Philpott, Class of '83. Lesley was a student at Wake Forest with a politics major. She did very well at Wake, but did not decide to go to law school right away. She worked for three years, and did some paralegal work for Womble, Carlyle, Sandridge and Rice, the largest law firm in Winston-Salem. After applying

and getting accepted to several excellent law schools (Duke, Carolina, and Vanderbilt to name a few) Philpott decided to go to Wake. The decisive factor — money. Even though Carolina was much less expensive, Philpott was offered a full tuition scholarship to Wake.

"Face it, money's a consideration. You've got to consider the difference in tuition between Wake Forest and Carolina. We've got to have something to give us a competitive edge to attract the top students to Wake."

After her first semester at Wake, Philpott was first in the class. It was then that she was offered the Fletcher Scholarship. Philpott continued to be very successful in school, and served as a notes and comments editor for the law review.

Her favorite course at Wake? Legal Bib.

"Wake Forest has a strong commitment to legal writing and that's really important. I felt that the instruction that Professor Rose (Charles Rose) gave us during cite week helped to shape how I got through law school. He not only taught us how to read a case, but he taught us how to brief cases and to take everything into account, including the impact of dissent, if there was one.

"I didn't always take the standard courses. I took the courses that I didn't think I could teach myself, like corporate tax, and securities regulation. I never took UCC, although sometimes I wish I had. When I first started work-



*Lesley Philpott (photo by Wright)*



ing after graduation, I was doing estate planning. I often drafted ten wills a week and I hadn't taken Wills!"

When asked if she liked law school, Ms. Philpott answered with a definitive "No." But that doesn't mean she doesn't like the law. Currently an associate with her former employer Womble Carlyle, Philpott is involved in their Corporate section.

"I deal mainly with mergers and acquisitions. When a smaller, close corporation decides to sell, I handle the transaction." She also worked in estate planning, and charitable trusts and organizations.

One thing is for certain. In the past Wake Forest has attracted many brilliant students through its scholarship programs. These students leave the law school with a good education, one that they might not have gotten if it hadn't been for the help. Both of the alumni here are very grateful for their Wake Forest education, and stressed the importance of maintaining a strong scholarship program.

— Alison Wright

*Alison Wright is a third-year student from Clinton, Ohio.*

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## Wake Offers Many Scholarships

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As the high cost of law school continues to rise, scholarships available to law students gain added importance. Currently, the tuition for Wake Forest University School of Law is \$7,500 per year. This amount, when added to book expenses, about \$300-\$400 per year, make scholarships highly coveted resources for both new and continuing law students.

The scholarships available to Wake Forest law students are provided as memorials to distinguished alumni.

Also, scholarships are sponsored by the Wake Forest Law Faculty, law school organizations, and generous individuals and foundations from throughout North Carolina. Awards and scholarships range in value from \$9,000 per year to \$100 per semester. These various scholarships, stipends and awards are described below, in alphabetical order.

The **Marvin K. Blount Jr. Scholarship**, was established in 1976 by Marvin K. Blount Sr., in honor of his son. One or more first-year students with financial need and professional potential are eligible for this scholarship.

The **David M. Britt Jr. Law Scholarship**, was created in 1973 by Judge David M. Britt. The scholarships are given in memory of Judge Britt's son, and are based on good scholarship and financial need.

Another important scholarship is the **Julian Wilbur Bunn Scholarship**, established in 1969 by Mrs. Bunn in honor of her husband. Mr. Bunn served for many years as general counsel to Wake Forest. Selection requirements for the award are determined by the Law School faculty.

Every three years, the **Irving E. Carlyle Distinguished Law Scholarship** is awarded. It was created in 1972 by the P.H. Hanes Foundation in memory of Irving E. Carlyle. The award is a stipend of \$9,000 for three years, and is given to a resident of North Carolina chosen on the basis of superior academic ability and leadership potential.

Another scholarship based on academic ability is the **Guy T. and Clara Carswell Scholarship, Undergraduate Continuation**. This scholarship is limited to holders of the Carswell Scholarship, which is given to a Wake Forest senior who intends to enroll in Wake Forest's School of Law. The minimum award is \$1,500 annually, with a maximum of full tuition being provided for those recipients based upon need.

In 1978, the **A.J. Fletcher Law Scholarship** was founded by A.J. Fletcher and his son, Floyd Fletcher. Criteria for selection includes academic excellence, leadership potential, and personal interviews. The value

of these awards is \$27,000 for three years (\$9,000 per year).

Worth \$1,000 per year is the **For-syth County Bar Auxiliary Scholarship**, which was created in 1965, and is awarded every third year.

The **Aaron and Robert Goldberg Scholarship**, a gift from Mrs. Aaron Goldberg, was established in 1975. It is awarded on the basis of academic ability and financial need. The amount varies according to student need.

Another award, the **Hatch Scholarship**, was established in 1982 by Mabel P. Hatch, in memory of Judge William T. Hatch, Class of 1928. The award is made every year, with a preference to North Carolina students with financial need.

The friends of Fred B. Helms, Class of 1922, have established the **Fred B. Helms Scholarship**. Like the Hatch Scholarship, this award is given annually, and a preference is given to North Carolina students with good academics and financial need.

The Proprietary Association has provided gifts to create the **James F. Hoge Scholarship**, in memory of Mr. Hoge, Class of 1922. This award, established in 1973, is given to one or more third-year students for academic achievement, professional potential and financial need. The minimum amount is \$500 per year. Preference is given to students who excel in the areas of administrative law, trade regulation, unfair trade practices, and related areas.

In 1979, the **Robert D. Holleman Scholarship** was created. This scholarship is awarded on the basis of academic ability, leadership, financial need, and Christian commitment. Preference is given to applicants from Durham County.

An annual award of \$1,000 is also made by the law firm of **Hunton and Williams** of Raleigh, NC. This award is offered in recognition of the quality of education provided at the Law School.

Third-year law students are eligible for the **Robert E. Lee Scholarship**, established in 1985 by C. Banks Finger, in honor of Robert E. Lee, Dean and Professor of Law Emeritus at Wake Forest.

**Judge Harvey A. Lupton**, Class of 1933, is honored by a scholarship created by the Forsyth County Bar Association in 1981. This annual award is made on the basis of academic ability.

The **Meyer Luria Scholarship**, established in 1977 by Victor M. Lefkowitz, Class of 1977, and Judith Luria Lefkowitz, in memory of her father, is awarded on the basis of financial need and good scholarship. The award is given every three years and is for \$1,500.

The **Mason Scholarship** has a total of \$6,600 over three years. It is provided by the James Walter and Marie Cornelius Mason Fund, with preference given to first-year students from Scotland County, NC.

Another foundation, providing funds is the **Miller and Chevalier Foundation**, which makes an annual award to North Carolina students with good academics and financial need.

North Carolina students with an interest in trial practice are eligible for the **James R. Nance Scholarship**, which was established in 1981 by the firm of Nance, Collier, Herndon and Ciccone. The scholarship honors the firm's founder. Financial need of applicants is considered.

The **Phi Alpha Delta Minority Student Fellowship Program** confers, nationally, ten \$500 awards to minority first-year students. Recipients need not be PAD members. PAD also offers a \$500 award to student fraternity members who have completed two years of law school.

Another fraternity, **Phi Delta Phi**, provides a \$100 award each fall to the PDP member in the second-year class who attains the highest average in the first year.

**Wake Forest University Law Faculty Scholarships** are awarded to highly qualified first-year students. These scholarships are combinations of grant and loan funds, and are awarded solely on a merit basis. The award equals full tuition, however, after graduation, recipients are required to repay 25% of the total amount.

Similar awards are the **Wake Forest University Law Scholarships**, which are given to minority or disadvantaged students who display substantial academic ability. These scholarships are equal in amount and repayment terms with the Law Faculty Scholarships.

The **Carroll Wayland Weathers Scholarship Fund** was established in 1983 by friends and former students of the late Dean Weathers. The scholarship is open to North Carolina students with financial need.

Finally, the **Jean E. and Harold R. Wilson Law Scholarships**, established in 1975, are awarded to students with academic ability and financial need. The minimum award is

\$1,000 and the funds are provided by Harold R. Wilson, Class of 1958, and Jean E. Wilson Pleasants.

The *Jurist* would like to take this opportunity to thank the individuals and organizations responsible for the scholarships listed. Without the continued support and generosity of these people, the Law School would find it much more difficult to achieve and maintain the level of excellence that it is noted for. This level of excellence is a direct result of the efforts of the many benefactors of the Law School and its student body.

— David Holley

*David Holley is a third-year student from Greenville, NC.*

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## Senator Bradley Addresses Wake Forest University at Opening Convocation

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Senator Bill Bradley (D-NJ) spoke at Wake Forest's Opening Convocation, where he received an honorary Doctor of Laws degree from the University. Bradley is perhaps best recognized for his All-American basketball play with Princeton and later with the world champion New York Knicks. Bradley is serving a second term in the United States Senate where he won re-election by a historic margin. His work in the area of tax reform is cited by many as the ground work for the current overhaul of the Tax Code.

Senator Bradley addressed Wake Forest students, but his message was one which concerns everyone. Bradley urged recognition of America's changing role in a world in which countries are increasingly "inter-dependent." He challenged students to broaden their perspective of the world and to "show greater care for people, not because they are family or friends, but simply because they are human beings." He cited America's religious traditions as

instructing us in this regard and emphasized his belief that American political traditions reflect the idea that personal welfare is tied to the general welfare.

Senator Bradley concluded that while these traditions have fostered individual freedom and liberty, such benefits carry a price, that of responsibility. He stated, "while government is constituted to protect one's rights of individual pursuits, we must ourselves discipline those pursuits if we are to enjoy participating in the richness of life offered by a just and humane community." He added, "that in all cases, the dilemma of what this responsibility requires remains personal and the real challenge is to make a decision and abide by it." Senator Bradley focused his message in his final words:

"As each of you pursue your studies and move on, I envy you of the things you will see and know that our generation never dreamed of. But I hope your dreams go beyond personal ambition



and accumulation of material goods. I want you to have higher ambitions. An ambition that drives you to excel for the sake of excellence, but not vanity; an ambition that forces you to decide what is right as much as what pays; an ambition that disproves desires in order to meet needs; in short, an ambition for yourself as a citizen as much as a private individual; an ambition for yourself as a citizen who sees your well-being tied to the well-being of your community. I believe, in the end, what really matters is how you treat your neighbors."

— Tony Ehler

*Tony Ehler is a third-year student from Sidney, Ohio and is Managing Editor of the Jurist.*

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## New Placement Director Seeks To Broaden Student Employment Opportunities

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The Placement Office at the School of Law has carved out quite a reputation over the past few years. It is perhaps the busiest area of the law school, a revolving door of law firm interviewers and gray-suited law students looking for a special summer clerkship or full-time employment.

The Placement Office reaches out in many directions and is not just concerned with helping current students. According to Susan Gossman, Director of Placement, the Placement Office also stays in contact with alumni, particularly those who graduated during the past five years, and keeps them updated on job opportunities through a monthly newsletter. The newsletter lists approximately 60 positions per month, mainly in the



Susan M. Gossman (photo by Toole)

Southeastern and Atlantic regions. Gossman said employers have been pleased with the response they have received from people who see their listing in the newsletter.

An increasing number of firms have indicated an interest in Wake Forest law students. These firms represent not only an increase in quantity, but in diversity. This means more travel, not only for Gossman, but professors and administrators as well. Professor George K. Walker recently completed a successful "recruiting trip" to Charleston, SC. Dean James Taylor travelled to Denver last summer to sell some of that city's firms on Wake Forest. Other cities outside the state slated for visits by Wake Forest representatives include Chicago, Cleveland, Tampa, Atlanta and New York.

The number of firms actually interviewing on campus has increased tremendously. Gossman pointed out that two years ago 96 firms came to Wake Forest. Last year that number rose to 114. The number currently committed this year is 132 with possibly more to come. Even more firms (195) have indicated a willingness to have students' resumes. Obviously, opportunities for the class of 1987 are abundant.

Gossman noted that she was pleased with the success of the class of 1985. As of February, 1986, 91 percent of the graduates of this class were working. Of these, about 66 percent remained in North Carolina.

The class of 1986 is faring even better in the job market. Gossman

explained that as of last September, three-fourths of these graduates had found jobs. Gossman believes that by February well over 90 percent of this class will be employed.

The class of 1986 is much more diverse geographically than its predecessor. Less than half of last year's class stayed in North Carolina. Many of these graduates went to Florida, Virginia, Georgia, Texas and Washington, D.C. Gossman indicated this could be the future trend as the makeup of each new class becomes more geographically diverse and the Placement Office extends its contacts.

The outlook for the class of 1987 is even brighter, according to Gossman. The growth of big firms has created many new branches and many new opportunities. Gossman sees a continuation of this trend for at least a few years.

Graduates in 1987 can also expect higher salaries than previous graduates. The jump in salaries began with the big firms in New York and has spread across the country as other firms try to remain competitive. Atlanta firms have experienced a 20 percent rise in salary levels. North Carolina firms have increased their salaries as well. Gossman therefore feels 1987 is a very good time to graduate from law school.

— Robert Ruegger

*Robert Ruegger is a first-year student from Buies Creek, North Carolina*

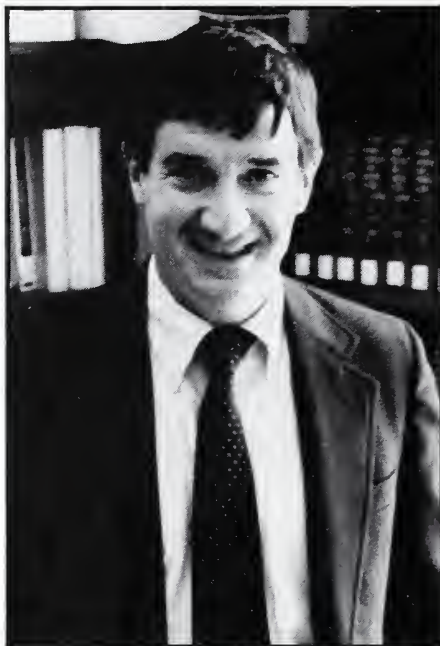
# Covington and Shores on Sabbatical: Spring 1987

Two of Wake Forest's best professors are leaving the School of Law. But wait! They will return in the fall of 1987. Isaac Boyce "Butch" Covington and David Frances Shores, professors of law at Wake Forest since 1977 and 1972 respectively, are taking leaves of absence from the law school to pursue other enriching experiences for the spring semester of 1987.

Professor Covington, who enthusiastically teaches Contracts and the Uniform Commercial Code, will be working with the general counsel of First Wachovia Bank Corporation in Winston-Salem beginning in January and finishing up in May. Covington will be taking his expertise in the U.C.C. to Wachovia. He stated that he is interested in seeing the Code put in actual practice, and hopes to learn more from the experience and possibly refine his teaching methods. However, any student of Covington's will immediately note that it is likely that the others, experienced lawyers included, will be learning from him.

Covington is excited about this special opportunity to be associated with a first rate organization such as Wachovia. He notes that he will be working with some of the best in the fields of state and federal banking. He stated, "After fifteen and a half years of constant teaching, it is time to seize this excellent opportunity."

Professor David Shores' leave of absence will take him and his wife to St. Paul, Minnesota, where he will serve as a Distinguished Visitor in taxation at the William Mitchell Law School. Shores will be teaching corporate taxation and also a graduate course in tax. William Mitchell is independent from any undergraduate institution and slightly bigger than Wake Forest Law School. Former Chief Justice Warren Burger as well as numerous legislators and Minnesota



*Isaac Boyce "Butch" Covington  
(photo by Toole)*

Supreme Court Justices are among William Mitchell's graduates.

Shores looks forward to the trip, and views it as a homecoming. He grew up in northern Iowa, and is quite familiar with the St. Paul area. Shores thinks it is beneficial to take a leave of absence to refresh teaching techniques.

At William Mitchell, Shores will experience a student body that is a bit older. He considers this to be a revitalizing experience for himself as he will have a chance to try out new teaching techniques. Shores is particularly excited about the Mitchell



*David Frances Shores*

curriculum. He is curious to see the blending of an anti-trust course taught with the aid of an economist. The lawyer and economist teaching the course together should provide for a greater depth of understanding for the students at Mitchell.

The student body and administration wish both professors success.

— Scott Wood Warren

*Scott Wood Warren is a third-year student from Spring Hope, N.C.*

## New Professors Join Wake Faculty

### **Professor Frederick Davis**

This fall Wake Forest Law School had the pleasure of welcoming a new visiting professor. Professor Frederick Davis has had a distinguished career as a professor at several law schools and as the Dean of the University of Dayton School of Law. Davis received an AB from Yale University in 1948. He attended law school at Cornell University, receiving his JD with a specialization in international affairs in 1953. As



*Frederick Davis*



a Fulbright Scholar he lectured on administrative law at Victoria University of Wellington, New Zealand. He received an LL.M. in 1955 graduating *magna cum laude*. He has practiced law with the firm of Engel, Judge and Muller in New York City. He is a member of the New York, Missouri and Ohio Bars. Davis has taught as an associate and full professor at several law schools, including: University of Pennsylvania, New York University, University of South Dakota, Emory University, University of Missouri, and University of Dayton. He has also been a visiting professor of several other schools, including Wake Forest, throughout his illustrious career.

Professor Davis' area of expertise is administrative law. He has been and still is a member of several organizations that deal with this field of the law. He has been widely published throughout his career. He has had over 30 articles, comments, or book reviews published dealing with various areas of law, such as administrative law, commercial law, constitutional law, corporations, international and comparative law, oil and gas, and torts. This great volume of scholarly writing includes three chapters in Volume I of Matthew Bender's *Treatise on Comparative Negligence*.

Professor Davis' wealth of experience both as a teacher, and a dean, give him the unique ability to assess a law school from every angle. He believes his experience has enabled him to become more sensitive to all those who come in touch with the law school. He has also become keenly aware that the most important asset a law school can have is its image, not only the image of the school in the legal community but also its image in other branches of the University.

Davis believes that professors must be realistic with students. His approach in class emphasizes the procedural background of cases and he tries to make students aware that they are eventually going to apply what they learn on the Bar exam and in practice. His exams consist of objective questions and analysis questions. He does not like to use the word "essay" because he believes students try to be too fancy when questions are phrased

in that way. He believes students today are of a better quality than those of the 1970's. He thinks the reason students are better today is because they are willing to give the professor the benefit of the doubt when questioning their sincerity as a teacher.

This semester Davis is teaching constitutional law. When asked what he thought of the appointments of Chief Justice Rehnquist and Justice Scalia, Davis stated, "I have known and worked with both men in the past and believe they will do their jobs well." He stressed the fact that both Rehnquist and Scalia have personalities that will enable them to be successful in their new positions.

He brings with him not only the experience and expertise as a professor and administrator, but he also is very personable and easy to talk to. He is the type of accessible professor we value at Wake Forest.

— Brian Lake

*Brian Lake is a third-year student from Lake Hopatcong, NJ.*



Arthur R. Gaudio

### **Professor Arthur Gaudio**

Arthur R. Gaudio has joined the Wake Forest Law School faculty. Professor Gaudio has an excellent background which should aid him in his teaching duties. He earned his Bachelor of Science degree at the University of Rochester in 1964. After completing undergraduate studies, he attended Syracuse University College

of Law where he served as Editor-in-Chief of the *Syracuse Law Review* and graduated *magna cum laude*. Upon graduating from law school, he worked as an associate for five years in the law firm of Kelley, Drye & Warren in New York City where he specialized in real estate law and taxation. He left his position at Kelley, Drye & Warren in 1972 to take his first teaching position at Drake University Law School in Iowa. During his fifteen years at Drake, he earned his professorship and was awarded the Outstanding Teacher Award for 1973-1974. He also served as an associate dean. During this period Gaudio spent one year as a Visiting Associate Professor of Law at Syracuse University College of Law and another year as a Visiting Professor of Law at the Marshall-Wythe School of Law. (William and Mary).

Professor Gaudio's area of expertise is property law. He has published several articles on property law and has spent much of the past four years authoring a national text to be published by West Publishing Co. titled *Real Estate Brokerage — Law and Practice*. At Wake Forest, he is teaching the first-year property course and Real Property and Securities. In the spring he will teach Real Estate Finance.

Gaudio said he chose to come to Wake Forest instead of other schools because he believes the future of the law school is brighter than most. He cited increased applications for admission in spite of higher private school tuition as an indication of a strong future. Also, Gaudio said he was impressed with the quality and friendliness of the faculty. The students impressed him and he expects the quality of the students to improve as the pool of applicants is increasing. Other reasons drawing Gaudio to Wake Forest included what he believes to be a good relationship between Wake Forest as a university and the city and community in general. He believes the city and community are supportive of the university. He especially appreciates the climate, recalling that when he came to visit the campus last December, he left behind in Iowa 14 inches of snow and a temperature of 10 degrees.

Although much of Professor Gaudio's time has been devoted to authoring his text, he also spends time with computers. He has joined the Faculty Computer Committee whose function is to give the faculty input about the use of computers in the law.

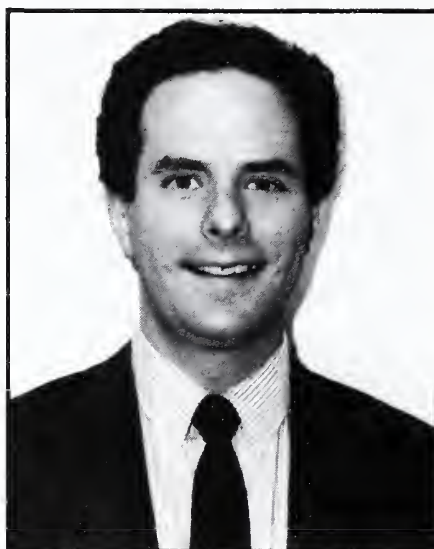
— Peter Lane

*Peter Lane is a third-year student from Rutherfordton, NC.*

### **Professor Alan Palmiter**

One of the new faces at the Law School is that of Professor Alan Palmiter who is teaching corporations and legal bib. Palmiter was born in Madurai, India, and is married to a Colombian national. He and his wife have a three-year-old son. Fluent in Spanish, Palmiter has lived in Costa Rica, Bolivia, and Colombia. While in Colombia, he taught math at a bilingual high school.

Professor Palmiter graduated *cum laude* from Ohio State with a B.S. in mathematics. He graduated *magna cum laude* from law school at the University of Michigan. (He roots for Ohio State when the two schools play football). After law school, he became an associate at Cleary, Gottlieb, Steen and Hamilton in Washington, D.C. where he stayed for five years.



*Alan R. Palmiter*

Palmiter says that he was interested in teaching while at law school and always thought that he would like to teach law some day. In fact, he did not think he would practice law as long as he did. When asked why he chose Wake Forest, he said that he liked the special emphasis placed on teaching here. He was also attracted to the college community atmosphere that is not present at many law schools. Professor Palmiter is a welcome addition to our law school faculty.

— Ray Ceresa

*Ray Ceresa is a third-year student from Great Falls, VA.*

## **CLE Keeps Lawyers Up-To-Date**

Wake Forest's Continuing Legal Education (CLE) program began in 1981. The program provides attorneys with a review and update of new information in the major practice areas including family law, tort law, property law and criminal law. CLE sponsors seminars at various locations in North Carolina. Approximately three or four seminars are given each semester. Every seminar is presented in four strategically located cities; Raleigh, Charlotte, Asheville and the Triad area. Seminars last one day and are comprised of lectures given by attorneys or faculty members who have expertise in the topic. An average of six to eight speakers appear at each seminar. A seminar entitled the Annual Review is held to acquaint North Carolina attorneys with the case law decided in the past year.

In addition to the North Carolina seminars, CLE also conducts seminars on a regional basis. These programs last two days, with the first day devoted to lectures and the second day comprised of various workshops. The seminars have been conducted in Washington, D.C., Atlanta, Orlando, and Chicago. Attendees include the practicing bar, professors, and depending upon the topic, personnel and management executives.

In support of each seminar a manual or handbook is published. Mr. Rector, Director of CLE, develops the concept of a program, outlines the contents of the manual, and prepares general scope notes for each chapter. The speakers then submit manuscripts to CLE, which are edited for administrative style. None of the substantive portions of the manuscript are changed without the author's permission. The material is then collated and printed in book form. Each person who attends a seminar receives a manual. These manuals make up an important part of a North Carolina

### **SPRING SCHEDULE 1987**

#### **CONSTRUCTION LAW**

March 27—28	Live	Winston-Salem
April 3	Video	Charlotte

#### **PROFESSIONAL MALPRACTICE**

April 10	Live	Raleigh
April 24	Video	Charlotte

#### **WILL DRAFTING AND PROBATE PRACTICE**

May 15	Live	Raleigh
May 22	Video	Asheville
May 29	Video	Winston-Salem

#### **CURRENT EMPLOYMENT LAW ISSUES 1987**

April 2—3	Live	DC., Old Town Alexandria
May 21—22	Live	Kiawah
June 11—12	Live	Chicago



practicing attorney's private library and may be purchased separately.

CLE does more than keep attorneys informed of current developments in the law. It serves a public relations role by increasing revisability of Wake Forest Law School through the seminars it sponsors. The fine quality of the seminars increase attorney's awareness of what our school has to offer. To each seminar Mr. Rector brings brochures and information booklets on Wake Forest and its students. In addition, when in a city for a regional seminar, Mr. Rector talks with the major firms in the area and invites them to interview at Wake.

CLE provides an important service to practicing attorneys. But students don't have to wait until they've graduated to take advantage of the program. Students may attend seminars at no cost and may purchase manuals at a discount.

— Stacy Parsons

*Stacy Parsons is a third-year student from Wappingers Falls, New York*

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## Women in Law Host NCAWA President

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Angela Bryant, President of the North Carolina Association of Women Attorneys (NCAWA) spoke to the Wake Forest Women in Law at our September 10, 1986 dinner meeting. Ms. Bryant, a 1976 graduate of the University of North Carolina School of Law is an attorney at the Office of Administrative Hearings (OAH) in Raleigh, North Carolina.

Ms. Bryant first told the group about the recent changes in North Carolina law regarding OAH. OAH hears disputes between North Carolina citizens and state agencies. Ms. Bryant's duties with OAH include serving as an administrative judge.

Next, Ms. Bryant spoke about the NCAWA, a voluntary bar association for female attorneys. NCAWA en-

courages the active participation of women attorneys in the state bar, local bar associations, and community organizations. NCAWA lobbies the North Carolina General Assembly to enact laws which are favorable to women and families, and encourages bar associations to place more females on their governing boards.

Ms. Bryant encouraged the members of Women in Law to participate in the Ninth Annual Meeting of the NCAWA at the Winston-Salem Hilton on November 14-15, 1986. Featured speakers include Gay McDougall of the Lawyers Committee on Civil Rights Under the Law of Washington, D.C., and Marna Tucker, former President of the Washington, D.C. Bar. Ms. McDougall addressed "Current Legal Issues in the Struggle Against Apartheid," and Ms. Tucker's selected topic was "The Future of Women in the Law: Bleak or Bright." Wake Forest's Women in Law was host to law students from the other North Carolina law schools for those attending the meeting and had a welcoming party on November 14.

— Cathy Thompson

*Cathy Thompson is a third-year law student from Elizabeth City, N.C. She is President of Women in Law at Wake Forest, and a law student member of NCAWA.*

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## Local Attorneys Demonstrate Trial Techniques

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Did young, reckless, pre-med, fraternity student Jerry Bostic run down Professor James Williams who was cautiously jogging down Fraternity Drive? Or, did the preoccupied, feeble-minded Professor dart out in front of Jerry's car leaving Jerry without any means to avoid an accident — an accident that caused the death of Professor Williams. This was the issue on September 13, 1986 in a "mock trial" sponsored by the Wake Forest Student

Division of the North Carolina Academy of Trial Lawyers.

A packed courtroom watched stunning performances by two well known North Carolina attorneys. Mr. Robert S. Cahoon, of the firm, Cahoon and Swisher in Greensboro, North Carolina represented the plaintiff, Professor Williams' wife. Mr. Cahoon gave a wonderful performance as he painted a vivid picture of his side of the story. Through his insightful examination and objection techniques, he portrayed Jerry Bostic as a young reckless student, rushing around behind schedule, and drinking heavily on the night of the accident.

The defendant was represented by Douglas B. Abrams (BA '76, JD '79), of the firm Blanchard, Tucker, Twiggs and Abrams in Raleigh, North Carolina. Mr. Abrams was also very effective in his use of evidence and his ability to place considerable doubt in the minds of the jurors concerning the credibility of the plaintiff's most important witness, Patrick Thompson. Mr. Abrams portrayed Thompson as a hot-headed teenager jealous of the defendant's relationship with his old girlfriend.

The trial was presided over by Professor Wilson Parker, a constitutional law professor at Wake Forest University. "Judge" Parker was kept occupied by ruling on numerous objections and motions.

In addition to being thoroughly entertaining, the mock trial was also very informative as it covered all of the stages of a real trial: jury selection, opening and closing statements, examination, cross examination, and the making of motions. After the trial, Mr. Cahoon and Mr. Abrams remained in the courtroom to answer student questions concerning courtroom techniques.

What was the verdict? Well, the jury never decided. Instead, they had lunch provided by the Academy. But had they attempted to deliberate, it is almost certain that the result would have been a hung jury, because the attorneys were equally convincing.

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# Students Participate in Stanley Moot Court Competition

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Larry Little successfully defended a municipal affirmative action plan to win the 15th Stanley Moot Court Competition, held October 31 at the Law School Courtroom.

Little, a second-year law student, used the analogy of a diner waiting for dessert to convince the panel of distinguished federal and state judges that a plan to end racial and sexual discrimination did not unduly affect the rights of a white male. The fictitious city in the case passed over the more qualified white male to promote a black female in an effort to avoid discrimination in promotion practices.

"He (the white male) has not been denied dessert. He will just have to wait a little longer," Little told the Moot Court Justices.

"The United States Supreme Court has not yet addressed the issue of reverse discrimination in promotion practices definitively, though similar cases are pending," said Theresa Murphy, the writer of this year's case.

Stacey Cowley, a third-year law student, was the runner-up in the competition. Other award winners were second year students Robert Stovash for Best Brief and John Ramey as Best Oralist.

The Best Oralist award was created this year in memory of James C. Berkowitz. Berkowitz was a law student who died in an automobile accident just before he was to argue in the quarterfinals of the 1984 Stanley Cup Competition. This year's competition attracted 70 participants, the largest number in the history of the intramural competition.

Justices on the panel included Rhoda Billings and Thomas Gee. Billings was the Chief Justice of the North Carolina Supreme Court. Gee, a justice on the



*The distinguished panel includes Henry Frye, Thomas Gee, Pierce Lively, Donald P. Lay, Walter J. Cummings, and Rhoda B. Billings. (photo by Toole)*

Fifth Circuit Court of Appeals, is author of an important lower court opinion on the same issue. Other justices included Walter J. Cummings, Seventh Circuit Court of Appeals; Henry Frye, North Carolina Supreme Court; Donald P. Lay, Eighth Circuit Court of Appeals; and Pierce Lively, Sixth Circuit Court of Appeals.

Moot Court gives law students an opportunity to research and argue significant legal questions before practitioners and court justices. The competition is organized by law students.

Participants spend four weeks researching specific legal questions to prepare a persuasive brief defending the position of a fictitious client. The competition culminates in an oral presentation of legal questions raised.

— William Toole

*William Toole is a second-year student in the JD/MBA program from Winston-Salem, NC and is Photography Editor of the Jurist.*

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## 440 Plan Update

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In 1984 a long range study of the future of the law school was undertaken. The study revealed a need for the school to assume a position of leadership among private regional law schools in order to serve its pool of qualified applicants. The plan to achieve this goal was called the 440 Plan.

The plan includes improvements in the school's academic programs: limiting total enrollment to 440

students and dividing each first-year class into four small sections; designing and implementing a business oriented specialty area; introducing students to technology in the legal profession; continued development of the legal writing program; and bringing outstanding legal educators to Wake Forest on a visiting and permanent basis.

Student reactions to the small sections have been enthusiastic. Associate Dean Kenneth Zick reported that for a period of two weeks during 1985 two first-year sections were combined due to a professor's illness. Dean Zick reported, "In a survey of the



group, 85 percent felt that the learning level, achievement level and enthusiasm level were better in smaller groups."

First-year student Jim Hutcherson agrees, "I like the smaller classes and easy accessibility to professors. Any time we have a question or problem our professors are always willing to work with us and to see us outside of class." His classmate Robin Luffman likes the intimacy of smaller class sections. "In less than eight weeks we have developed a closeness I would have never thought possible. There is a rapport between faculty and students you couldn't have in larger classes."

The plan calls for the design and implementation of an integrated business specialty area in the curriculum. Three courses in this core area have been added. In addition, a corporate component has been added to the clinical program giving students the opportunity to gain experience with corporate legal departments at RJR-Nabisco and Wachovia Bank.

The 440 Plan envisages increased use of computers. A computerized legal research and education center has been opened in the library. All first-year students are trained in the use of Lexis and Westlaw as part of the legal research and writing class. The course in legal office management now includes computer applications. Faculty members are using computer aided legal education programs to instruct students.

First-year student Byron Waters is excited at the prospect of computerized legal education and research. "The computer is the future of legal research. To have information at hand when you need it is critical to today's legal practice. The computer is our most valuable tool."

Wake Forest has one of the finest legal writing programs of any law school in the country. The first-year class is divided into seven sections of approximately 25 students. Each section is taught by a member of the legal faculty. Thomas H. Steele, Director of Library Services, teaches a class in legal research techniques to the students. Carolee Brady, an English teacher, teaches an additional

writing workshop focusing on style and technique.

The 440 Plan has been successful in meeting its goal of attracting outstanding legal educators to Wake Forest. Arthur R. Gaudio recently joined the faculty as Professor of Law. His specialty is property law and he has completed a book on real estate brokerage law. The 440 Plan played an important role in his attraction to the faculty. "I like to be associated with a university where the quality of the school and the student body is rising," said Gaudio. He attributes the high level of morals among students and faculty to the effects of the plan.

The plan has met the challenge of the eighties. In a period during which law school applications have decreased by nineteen percent nationwide Wake Forest applications have increased. The 440 Plan has enabled Wake Forest to position itself as one of the finest regional law schools in the country.

—Joe Hayworth

*Joe Hayworth is a first-year student from High Point, North Carolina.*

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## Law School Civil Liberties Union Sponsors Drug Testing Debate

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On November 17, the Law School Civil Liberties Union sponsored a debate on the US Government's new mandatory drug testing program. Mr. John O. McGinnis of the United States Justice Department, Office of Legal Counsel, and Mr. Gene Guererro, an attorney for the American Civil Liberties union debated the issues raised by the controversial new program.

Mr. McGinnis, was the drafter of the executive order calling for drug testing of 2.8 million civilian employees of the

Federal government. He argued that such testing does not violate the Fourth Amendment because it does not constitute a search and seizure. He stated further that even if it is a search and seizure, it is reasonable under the Fourth Amendment. Such testing is reasonable, according to McGinnis, for several reasons: drug use endangers lives, a select group is tested, the testing is done at random and the testing is conducted in privacy.

Mr. Guererro, a leading spokesman for the American Civil Liberties Union, has appeared in numerous public forums, including the *McNeil/Lehrer News Hour*, speaking in opposition to this type of drug testing program. Mr. Guererro, while recognizing that the drug problem is a legitimate concern, stated that it is "unfair and unreasonable to force millions of people who are innocent to be subjected to such testing. He criticized the government's emphasis on drug abuse while it continues to tolerate alcohol abuse. Guererro argued that drug testing is not always accurate, and when it is, does not measure the amount of use or its effect on the person. He stated that such random testing violates the individual's rights: not to testify against oneself, to be considered innocent until proven guilty, and one's right of privacy.

Both speakers presented compelling arguments for their respective sides of this controversial issue. Afterwards, they answered questions from the audience.

—Lisa Singer

*Lisa Singer is a third-year student from Greensboro, NC and is Editor-in-Chief of the Jurist.*

# Attorneys Discuss Public Law Job Opportunities

Two government lawyers spoke of early responsibility and rapid promotion during a panel discussion on public law job opportunities held at the Law School Courtroom on November 5.

"If you don't look at [government law] as your first job, think about it as your second or third," Kenneth M. Raisler told a group of law students.

Raisler is General Counsel for the Commodity Futures Trading Commission. Judge Eugene Sullivan of the United States Court of Military Appeals also urged students to consider the promotion opportunities when looking for their first job.

Both men began their careers in government law as judicial clerks. Sullivan, working for an appellate court judge, wrote bench briefs that identified the issues and suggested outcomes. He also wrote final opinions for the court.

Raisler clerked for a district court judge. Such an experience is "terrific if you want to be a litigator," he said, as his job included preparing the judge for motions before the court.

Sullivan said that law review is not necessary to get a judicial clerkship. He suggested that students seeking judicial clerkships send references with their resume. These references should state that "this person writes well" as this is the most important skill in judicial clerking.

But, Raisler said, "I don't want to indicate that (a clerkship) is the only government career path."

Sullivan became a White House attorney during the Watergate years after a brief stint in private practice. He later worked with the Justice Department "when the client left town."

"Working for the Federal government, a couple of years out of law

school you can be arguing the most important case in the country," Sullivan said as he spoke of his work with the Justice Department.

After eight years with the Justice Department defending a "regular client that pays on time," Sullivan became legal advisor to the Secretary of the Air Force. He served first as Deputy General Counsel to the Air Force and later as General Counsel of the Air Force.

The counsel advises the secretary on matters of international law, military and intelligence matters, and civilian and procurement law. After two years, he became a federal appellate judge for the US Court of Military Appeals.

"It helps to be lucky, but I find competent people are lucky," Sullivan said as he described his promotions through the government.

Raisler echoed this theme of early responsibility as he described his career as a government lawyer. "I thought it would be a three-year stint," he said as he described his work for

the US Attorney's Office in Washington, "but I loved the job." In two years he argued thirty appellate cases; most lawyers argue two in the same period.

Advancement is based on merit rather than seniority, Raisler said. For this reason he was able to advance to a management position quickly. From the US Attorney's Office, where he tried mostly civil cases, Raisler went on to become Deputy Counsel for the Commodity Futures Trading Commission. Within one year he became General Counsel.

"Competence is rewarded. You are judged by the quality of your work," Sullivan said of working for the government.

— William Toole

*William Toole is a second-year student in the JD/MBA program from Winston-Salem, NC and is Photography Editor of the Jurist.*



*Eugene R. Sullivan and Kenneth M. Raisler (photo by Toole)*



# News Briefs from Carswell Hall

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## Phi Delta Phi

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Phi Delta Phi, founded in 1869 at the University of Michigan, is the oldest and the only internationally recognized legal fraternity. Phi Delta Phi has been represented at Wake Forest University since 1947 by **Ruffin Inn**, named in honor of the late North Carolina Supreme Court Chief Justice Thomas Ruffin.

Scott Warren, the current Magister of Ruffin Inn, notes that the harmony and similarity of purpose common to the sixty second-year and third-year students who comprise the fraternity continues. Football tailgate parties, golf tournaments, and ski trips, along with the annual post exam beach trip allows members to socialize. Support of a needy family in Winston-Salem at Christmas provides a means for the fraternity to give to others less fortunate. Finally the membership always encourages continued commitment to academic excellence.

Phi Delta Phi encourages past members to write for information about the current group and its activities to *Magister*, P.O. Box 7573, Reynolda Station, Winston-Salem, N.C. 27109.

## Moot Court Board

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The Moot Court Board supervises and administers the appellate argument program. All first-year law students enrolled in the legal research and writing class are required to participate in the first-year Moot Court Program. The Moot Court Board also sponsors the Edwin M. Stanley Intramural Competition. This year's Stanley Competition had a distinguished final round panel consisting of The Honorable Donald P. Lay, Chief Judge, US Court of Appeals Eighth Circuit; The Honorable Walter J. Cummings, Chief Judge, US Court of Ap-

peals Seventh Circuit; The Honorable Pierce Lively, Chief Judge, US Court of Appeals Sixth Circuit; The Honorable Thomas G. Gee, Circuit Judge, US Court of Appeals Fifth Circuit; The Honorable Rhoda Billings, Chief Justice, N.C. Supreme Court and The Honorable Henry E. Frye, Associate Justice, N.C. Supreme Court.

Membership on the Moot Court Board is open to all first, second and third-year students on the basis of academic performance, aptitude for supervisory work, and satisfactory completion of the legal research and writing, and appellate advocacy course.

— *Barbara L. Young*  
Chief Justice

## Phi Alpha Delta Legal Fraternity

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Phi Alpha Delta has enjoyed one of its most successful years. This past summer, Phi Alpha Delta, held its annual "House Hunt Weekend," where members help incoming first-year students find off-campus housing. Phi Alpha Delta experienced a large turnout for this event and almost every student found housing before the end of the weekend. Phi Alpha Delta also enjoyed one of its best rosters this semester, inducting 32 new members by the beginning of October. Events included a sweatshirt sale, exam preparation seminar for members, a canned food drive for Thanksgiving, and police ride-a-long.

*Charles Vinicombe*

## Women in Law

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Women in Law is an active organization at Wake Forest University. Our goals are to encourage equal opportunities in the legal field, encourage

the active participation of women attorneys, and to provide a social outlet for law students. Our membership includes both men and women law students.

Women in Law began the fall semester with a membership drive which garnered 50 active members. In August, we entertained the faculty at The Village Tavern in Reynolda Village. In September, Dean and Mrs. Scarlett were hosts for the annual poolside covered dish dinner with the faculty. Angela Bryant, President of the North Carolina Association of Women Attorneys, joined us at our September 10 dinner meeting. She informed us about the upcoming NCAWA Annual Meeting in Winston-Salem. Our members were hosts for a welcoming party for law students who attended the NCAWA Annual Meeting in Winston-Salem on November 14. Our October membership meeting was followed by a social hour at the Village Tavern. On October 29, Janine Cutcher, Mickey Metcalf, and Carmen Harrington presented a panel discussion on Law Office Management: The Real World. The Women in Law Annual Exam Review Seminar for first-year students was in November.

## International Law Society

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The International Law Society promotes the awareness of international legal issues and thought. As a member of the Association of Student International Law Societies, our organization is able to promote job opportunities in international law. In the recent past, the Society has sponsored speakers connected with the international law practice and sponsored the Regional International Jessup Competition.

## Software Protection in Transactions With the Soviet Union\*

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"Computer software cannot be exported to the Soviet Union because the United States will never permit high technology to be exported to the Soviet Union and its allies." "Any type of computer related product will be used to bolster the Soviet Union military." "Even if exports of computer software were permitted to the Soviet Union, their position on individual rights would make software protection illusory." These statements represent the typical response to a mere suggestion of the topic of this paper. Such statements are based to a degree on facts, substantially on fiction, and, almost inevitably, on a lack of actual knowledge. This paper is designed to reinforce the facts and clear up some of the fictions. Actual knowledge must be postponed until a transaction tests the Soviet Union's level of software protection.

The Soviet Union is interested in U.S. software products. Correspondingly, U.S. software manufacturers are interested in tapping this new source of potential income. However, there are several hurdles to overcome. Most significantly, the U.S. government must approve of most computer software exports to the Soviet Union.<sup>1</sup> The procedure for getting such approval is very time consuming and highly technical.

The second major hurdle faced by software developers is software protection. Software protection is the foremost concern of computer software proprietors because continued ownership rights to a software product means continued income. Income will be cut off or significantly curtailed if software

is pirated and sold in competition with the proprietor's original product. In the United States, software protection is so important that developers overlap the law's coverage in several areas including contract law, copyright law, trade secret law, and even patent law, in limited circumstances.

The idea of an international software market appeals to computer proprietors. The Soviet Union represents one such market. However, U.S. software developers cannot rely on U.S. law to protect their product. They have to look at international conventions, and, inevitably, to the laws of the individual nations where the software comes to rest. For purposes of this paper, the laws of the Soviet Union will be examined.

### I. International Conventions

The United States is a member of several bilateral and multilateral copyright conventions.<sup>2</sup> Of these treaties, the Universal Copyright Convention<sup>3</sup> (UCC) is the only convention to which both the United States and the Soviet Union adhere.<sup>4</sup> Thus, the UCC must serve as a starting point for any copyright-based argument for software protection in transactions with the Soviet Union.

One UCC principle of particular significance to computer software developers is translation rights. Article V of the 1952 UCC recognizes the exclusive right of the author "to make, publish and authorize the making and publication of translations of works protected under [the] Convention."<sup>5</sup> This provision is important because "translation" has two definitions in the software industry. First, supporting documentation may be translated from English to Russian and second, the actual program may be capable of translation from one source code to another (i.e., from Fortran to Pascal). Translation rights in both of these areas are important to computer software developers.

The key behind the UCC is its provision for national treatment of works.

Under a system of national protection for computer software, the UCC would require that software developed by a United States national be accorded, in each member country, at least the same level of copyright protection as that other nation accords to software of its nationals developed in its own territory. Thus, in dealing with the Soviet Union, a software developer's only hope for UCC-based copyright protection is if the Soviet Union grants copyright protection to its citizens.

Chapter IV of the 1961 "Bases of Legislation in Respect of Civil Law of the U.S.S.R. and Federated Republics" (1961 *Principles*) provides a guideline for the copyright laws of the various Soviet republics.<sup>6</sup> In addition to this body of laws, each of the republics is permitted to legislate an area of copyright as long as they are consistent with the 1961 *Principles*. The very important royalty schedules are contained in the copyright laws of the individual republics.

Software developers will encounter several problems in attempting to get a Soviet copyright. The first of these problems is the Soviet Union's "new work" legislation. Specifically, Article 494 of the RSFSR Civil Code provides that "a person who utilizes another work in order to create a new work...shall enjoy copyright in respect of the new work which he has created."<sup>7</sup> This type of provision could be of particular significance to software developers because software, by its very nature, is easily subject to slight modification and, although the basic process and idea might be the same, the actual execution of the program may be changed enough to constitute a "new work." Thus, the person modifying the program might be able to effectively circumvent the original author's copyright without substantially changing the program's operations or output.

The "creative effort" provision in Soviet law may be a double-edged sword to computer software developers. On one hand, if a derivative work must reflect an



original creative effort by its author, the provision would seem to circumvent the "new work" problem discussed above. However, with this strict construction, the Soviet requirement of a "creative idea" might serve to bar copyright protection for computer programs in general on the grounds that they are of a purely mechanical or technical nature. In other words, since almost all computer programs build on prior programs and procedures to a degree, it might be argued that the general rule is that software won't be protected under Soviet law.

Copyright holders are granted certain property rights under Soviet law. Perhaps the greatest right accorded to an author is the requirement that subsequent users contract for an author's consent to use his work. Although this is the general rule, Soviet law recognizes two exceptions. A work may be used without the consent of the author if the use either falls within the category of "free use" legislation or under "compulsory licensing" requirements. Under Article 103 of the 1961 *Principles*, "free use" of certain works may be permitted without the author's consent and without the payment of royalties. Under Article 104, where compulsory licenses are required, the work may be used without the author's consent only upon a payment of royalties. These provisions are significant in that they dictate the degree of circulation a work will receive even if it is covered by Soviet copyright legislation. Further, the provisions may dictate the amount of remuneration a developer can expect once his program is put into operation by a Soviet buyer.

The Soviet Union was required to amend Article 102 of the 1961 *Principles* to conform with the UCC Translation rights provisions. Article 102 now provides that "the translation of a work into another language for the purpose of publishing it is not permitted other than with the consent of the author or his legal successors." This provision has apparently satisfied the parties to the Convention, but the loophole regarding computer software is readily apparent. First, publishing would not be the

primary reason for translating computer software. The primary reasons would be to extend the uses of the software and to aid in the "legal" reproduction of the software. Second, the legislation clearly contemplates translation into literary languages such as Russian. In computer software development, the term "translation" may mean conversion from one source code to another. Thus, even with the UCC, computer software may still be subject to abuse under Soviet law by using a loophole and merely translating programs from one computer readable language to another, thus subjecting software to widespread dissemination under the name of the translator.

These are but a few of the provisions which must be reviewed before a solid argument may be made in favor of extending Soviet copyright law to computer software. However, even after such an extension, the provisions presented show that problems will remain for software developers. In sum, this discussion should make it evident that copyright protection under the UCC should not be relied on as a software developer's sole means of protecting his product. He should try to protect his rights by creating an enforceable license agreement and support future international legislation specifically addressing his problems.

### II. The WIPO Draft Treaty

During the 1970s, the World Intellectual Property Organization (WIPO) sought a more desirable way to protect computer software. The organization's research led to a series of proposals designed to secure international treatment for software protection.<sup>8</sup> In turn, these proposals led to a Draft Treaty for the Protection of Computer Software.<sup>9</sup> The major features of the draft treaty can be summarized as follows: States that are party to the agreement will constitute a Union for the protection of computer software. Protection of software is not granted under the agreement, but must be undertaken by contracting states through domestic legislation. As a minimum of protection, the domestic laws need only provide for protection against the infringing acts listed in the agreement that

correspond to those in the Model Provisions. Finally, the draft treaty provides for national treatment. Thus, the draft treaty would essentially be an agreement between nations to act in response to a common problem by specifically addressing the computer protection problems of member nations in their domestic legislation.

The draft treaty can only be effective if adopted by the United States and other nations, including the Soviet Union. Since the United States protects software to an extent, ratification might seem likely. However, the United States may refuse to ratify for some of the same reasons that it refused to ratify the Berne Convention. For example, abandonment of formalities as a prerequisite to protection and inclusion of the doctrine of *droit moral* (moral rights of authors) may make United States adherence unlikely. Also, other nations may refuse to ratify based on a general undesirability of entering into a new treaty. Thus, it is unlikely that an international treaty for the protection of computer software will provide immediate aid to U.S. software developers in transactions with the Soviet Union.

### III. Software Licensing<sup>10</sup>

A computer software vendor should always use some form of contractual language to supplement other available types of software protection (e.g., copyright, etc.). In the typical situation, a seller (vendor) will license software to a buyer (vendee). This allows the parties to solve potential problems through face-to-face bargaining. Further, license agreements are specifically tailored to the software transaction because a "right to use" the product is involved rather than a sale of the actual product.

The software license should be viewed as a long term contract because it will govern the relationship between the parties for a lengthy period of time. During this period of time, the vendor may provide updates or modifications to the software. In dealing with the Soviet Union, an agreement to maintain and update software may build business relations and opportunities for the vendor because of the personal attention he is giving to the Soviet

vendee. However, such contact is usually expensive and the vendor should either limit the time period of the coverage or provide for a maintenance fee to be paid by the vendee. Further, the vendor may agree to provide updated versions of the software to the vendee at a price to be agreed upon at the time of development. Essentially, this provision merely requires the vendor to re-initiate the contract negotiations without binding either the vendor or vendee to a future course of conduct.

Computer software is generally in one of two forms: object code or source code. Since the source code is so vulnerable to misuse by a vendee, its disclosure is usually the subject of much discussion in the negotiation of a license agreement. In most transactions, the vendor will retain the source code so that the vendee cannot make modifications to or disclose the contents of the program. However, if a vendee desires to perform its own maintenance without any vendor interference, the vendee will usually insist on the source code. The availability of source code should be

discussed early in the contracting stages so that misunderstandings may be avoided.

The final area of concern in licensing is the state of the contract law of each particular country. For example, a particular Soviet law could either affect a clause in the license agreement or nullify it. Thus, as a final warning to U.S. software vendors, the laws of the Soviet Union should be studied very carefully before licensing computer software to Soviet vendees.

#### IV. Conclusion

Software protection in transactions with the Soviet Union presents several unique problems and solutions. The major problem is that there is not an established body of law to govern such transactions between the superpowers. However, the Universal Copyright Convention provides some help if software protection represents copyrightable material and if Soviet law extends to computer software. Although some of the Soviet copyright provisions could be construed to protect computer software, a lack of specific precedents

would make a reliance on those laws very risky. Thus, the best solution to the problem of software protection is to license the software to the Soviet vendee. The software license should be effective because it is a contractual remedy which permits both the vendor and the vendee to voice their concerns and assumptions in face-to-face negotiations. However, as with any contract, the success of the document rests on the premise that both parties understand its substance, its long term effect, and the enforceability of its provisions.

—James E. Meadows\*\*

\* For a detailed approach to this topic, see Mr. Meadows' article of the Same title in Volume 12, Issue 1, RUTGERS COMPUTER AND TECHNOLOGY LAW JOURNAL (1986).

\*\* Associated with Paul S. Hoffman, P.C., Croton-On-Hudson, New York; B.S. 1983, University of North Carolina; J.D. 1986, Wake Forest University School of Law.

<sup>1</sup>See, Export Administration Regulations, 15 C.F.R. §§ 376.10, 379 (1986).

<sup>2</sup>A complete list of those nations that accord copyright protection to works written by American authors may be found in 4 M. NIMMER, NIMMER ON COPYRIGHT Appendix 20 (1986) and Copyright Office Circular R38a (January 1985).

<sup>3</sup>Universal Copyright Convention, done Sept. 6, 1952, [1955] 6 U.S.T. 2731, T.I.A.S. No. 3324, 216 U.N.T.S. 132 (effective Sept. 16, 1955) (Geneva Act), revised July 24, 1971, [1974] 25 U.S.T. 1341, T.I.A.S. No. 7868, 943 U.N.T.S. 0 (effective July 10, 1974) (Paris Act). See also, 17 U.S.C. §104 (1982); 4 M. NIMMER, NIMMER ON COPYRIGHT Appendices 24 [Geneva] and 25 [Paris] (1986).

<sup>4</sup>The Soviet Union does not adhere to the 1971 Paris Revisions of the U.C.C.

<sup>5</sup>Universal Copyright Convention, *supra* note 3, at art. V.

<sup>6</sup>"Bases of Legislation in Respect of Civil Law of the U.S.S.R. and Federated Republics," Chapter IV (1961). For the sake of brevity, further references to the 1961 *Principles* will not be footnoted. For more detail, refer to the RUTGERS article.

<sup>7</sup>RSFSR Civ. Code, Art. 494 (1964). For the sake of brevity, further references to the Civil Code will not be footnoted unless some explanation is required. For a more detailed discussion, refer to the RUTGERS article.

<sup>8</sup>International Bureau of the World Intellectual Property Organization, *Model Provisions on the Protection of Computer Software* (Geneva 1978), reprinted in 11 LAW & COMPUTER TECH. 2, 11-27 (1978).

<sup>9</sup>The Draft Treaty for the Protection of Computer Software, working Doc. LPCS/II/3, reprinted in *Practising Law Institute*, Pub. No. 159, I SOFTWARE

PROTECTION AND MARKETING 91 (1983). Further references to this treaty will not be footnoted, but may be found in the RUTGERS article.

<sup>10</sup>The RUTGERS article should be referenced for a study of the particular areas of concern in licensing software to the Soviet Union.

For a comprehensive discussion of software licensing, see P. HOFFMAN, THE SOFTWARE LEGAL BOOK (1986); R. RYASMAN & P. BROWN, COMPUTER LAW: DRAFTING AND NEGOTIATING FORMS AND AGREEMENTS Chapter 7 (1986); NANDA, THE LAW OF TRANSNATIONAL BUSINESS TRANSACTIONS §6.01[3] (1985). For a discussion of the international aspects of the licensing of technology and intellectual property, see VISHNY, GUIDE TO INTERNATIONAL COMMERCE LAW Chapter 3 (1984).



# A Morning in the Bahamian Supreme Court

On our recent twentieth anniversary my wife and I flew to the Bahamas for a four day weekend in Nassau. Friday was our day to walk around the town doing nothing in particular. However, the headline in the Nassau morning paper caught my eye... "MURDER VICTIM TELLS HOW HE WAS SHOT." This, I persuaded my wife, has to be better than the marching flamingos she wanted us to see.

The Bahamian Supreme Court sits in two large courtrooms on the second floor of a stately columned colonial building facing a garden, just off the main street through Nassau. Cases from all 700 islands are brought here, if necessary for trial beyond the magistrate's level. Each room has pews for about 100 spectators, a jury box and the "dock", a wooden cage about three feet by eight feet in which the prisoner sits or stands. The judge sits behind an elevated bench wearing a red robe and powdered wig. It was quite warm when we visited and only one courtroom was air-conditioned. The other room was cooled by a fan and open windows. (There was an air-conditioning system for the first courtroom but like so many other things in Nassau it was "Out of Service")

When we entered the first courtroom there were about a dozen men sitting in the spectator's section and twelve men seated in the jury box. A young black woman in a black robe and powdered wig was standing at one of the counsel tables. There were two men in suits seated below the judge's bench, facing the courtroom. The defendant was in the dock with two white starched uniformed policemen, wearing the typical white helmet, standing on either side of the dock. As we found our way to a seat, the judge was addressing the accused. "Well what do you say man? Do you want these men to try your case or no?" The judge was a black man with a devastating stare. The accused, a wretched looking fellow, in dirty

clothes, was visibly shaking. He was without counsel (court appointed counsel being available only in capital cases in the Bahamas) and was clearly unable to cope with his circumstances. The judge tried to get the accused to respond "Yes or No", but to no avail. Finally the bailiff stood up and pointed to the first juror and said "Do you want this man to try your case?" The juror, one of only two white men in the group, made a comical gesture and most of the men in the jury box and the spectator section broke into momentary laughter. We later learned the reason for the evident familiarity among the group. We chatted with one of the men during a break and found out that they are called for jury duty for a term of court during which they have to come to the courthouse every day for three months. If they are selected to hear a case, they are paid five dollars a day and if not, three dollars a day.

The judge finally was satisfied that the record would adequately reflect the opportunity of the accused to object to any juror and he ordered them sworn and seated whereupon all the "spectators", (who as it turned out were part of the venire) except my wife and I, fled the courtroom. The bailiff read the charge which alleged that the accused, having consumed a fifth of vodka, went to a neighbor's house to borrow some pipe tobacco in the middle of the night. When he was turned away by his sleepy and irate neighbor, he attempted to set fire to the house. After the charge was read, the judge instructed the assistant Crown Counsel (prosecutor) to proceed, but before she could open her mouth the judge began berating the poor accused again. "Are you able to know what is going on here? Can you even remember setting the fire? A fifth of vodka would take weeks to clear through your system you fool! Can't you see what drinking has done to you? You couldn't even decide about seating the jury! You are crazy to drink so much!" The judge

continued for several minutes, occasionally evoking laughter from the jury. Before anything further transpired, a well dressed black man with a briefcase entered the courtroom and announced that he had been retained to represent the accused. There was a recess and I spoke with the young prosecutor. I could not quite tell whether the judge was examining the accused or merely lecturing him. I was assured by the prosecutor that the accused had a right not to testify and that the judge was actually trying to get the accused to plead guilty. It seems the evidence was overwhelming, and the judge would have much greater flexibility in sentencing if the man would plead guilty than he would have in the event of a jury verdict. This distinction in the law was apparently made clear to the accused because upon our return to the courtroom the defense attorney announced that the defendant, after consultation with the attorney had changed his plea to guilty. The judge accepted the guilty plea and then began to sternly lecture the defendant. "You are forty years old and you see where your drinking has brought you. I can't sentence you until I get a pre-sentencing report but I don't know what good it would do to send you to jail. You are crazy to drink so much. Why don't you get your life together and quit drinking? We spend so much time and effort worrying about cocaine but what I keep seeing is cases like this where people drink too much." It was fairly clear that the judge was going to put this fellow on some sort of probation rather than sending him to prison.

During my discussion with the Assistant Crown Counsel I learned that the Bahamian Court adopted most of the British ways when the Bahamas became independent in 1973, but that the British institution of separate bars, solicitors and barristers, was not carried over. As she characterized it there was "fusion" of the two bars. There is no legal education available in the Bahamas so all lawyers are trained abroad. She went to law school in Barbados and although she did not personally know any, she felt like there were some Bahamian lawyers who had been trained in the U.S. She stated that there was no bar exam but rather

admission was based on the law diploma.

After the completion of the arson case, we went to the other courtroom across the hall where the trial of the publicized "murderer" was going on. The physical arrangement of this courtroom was identical except that the air-conditioning was working and the room was much more comfortable. It was this case that had generated the newspaper account that had brought us to the courthouse in the first place. Unfortunately the entire morning was taken up with arguments over the presence or absence of requisite intent for one of the charges against the defendant. We did discover however that the charge was "attempted murder" rather than murder, thus making the testimony of the victim more plausible.

In contrast to the tropical beauty of the gardens surrounding the pink and white colonial courthouse, and the airy courtrooms, if either of the defendants in the cases we observed are sentenced to prison they will face a harsh environment. Fox Hill Prison in Nassau was built in the 1940's and designed to accommodate four hundred. According to the latest report of the Grand Bahama Human Rights Association there are over twelve



*Supreme Court Building, Nassau, Bahamas*

hundred inmates crowded into intolerable conditions. One report published in the September 13, 1986 edition of a Nassau newspaper, *The Tribune*, revealed that three hundred Haitians, awaiting deportation, were crammed into a cell designed for thirty. The newspaper account further reported rat, roach and maggot infestation and inoperable toilets. This discrepancy between the highly civilized,

powdered wig and red-robed ceremonial mechanism for justice in the courtroom and the totally irresponsible, base and barbaric completion of the process in the prison is typical of the Bahamian condition and a reflection of the problems that the people of the Bahamas are having with self government.

— *Professor Don R. Castleman*



## Eure 'Tried,' 'Sentenced' To Retirement

Retiring Whiteville attorney J. Bruce Eure was "tried" and "sentenced" to retirement on June 9.

Fellow attorney Robert H. Burns II read a list of "charges" to Superior Court Chief Resident Judge Giles R. Clark, in a ceremony and reception during a recess of Superior Court. Other attorneys, family members and guests were "witnesses" to the "sentencing."

"I cannot let this occasion pass without telling you how much I feel appreciated and honored by what you are doing for me," said the 92-year-old Eure, who closed out 63 years of practicing law. "With all the 'charges' read out to me here, I guess it's about time I quit."

Eure was presented a plaque from area attorneys by Carlton Williamson, President of the Columbus County Bar Association. Also, Williamson read a letter from Roy W. Davis Jr., President

of the State Bar Association, congratulating Eure on his retirement.

"Mr. Eure is one of our oldest and most distinguished graduates," said John Scarlett, Dean of the Wake Forest School of Law. "He is the epitome of what Wake Forest's Law School stands for in that not only is he an outstanding and able lawyer, but also an outstanding member of the Whiteville community."

Williamson said "it is hard for me to imagine anyone practicing law for more than 60 years. That speaks for itself."

Whiteville attorney Mike Willis coordinated the ceremony and reception.

Eure, a native of Spring Hope, was admitted to the North Carolina Bar in 1923 and to the county bar association in 1939. He began his career at Ayden in 1923, but moved to Fair Bluff in 1939, and later to Whiteville.

Eure was municipal judge in Ayden, then became recorder's judge in Fair Bluff in 1956-63. He held other governmental responsibilities during his career and was a Rotarian District Governor, Mason and Shriner.

He is married to the former Pearl Hinson.

— Richard Soles

## Partners' Banquet Honors Justice Branch

Bermuda Run Country Club was the scene for the annual Partners' Banquet held October 10, 1986. Attorneys, students, judges, Wake Forest professors and administrators gathered to honor former Chief Justice Joseph Branch and to recognize those who have contributed to Wake Forest. The banquet, presided over by Dean Scarlett, is a part of the annual Lawyer Homecoming at Wake Forest.

Those attending included former NC Supreme Court Chief Justices Rhoda Billings and Susie Sharpe, Justice James Exum and former North Carolina Governor Jim Hunt.

Justice Louis B. Meyer ('60) and James W. Mason ('38) presented special awards honoring Chief Justice Branch. Justice Meyer, emphasized the former Chief Justice's "extensive career of unselfish service." In recognition of this service, Meyer presented Justice Branch with the Lawyer Alumni Association's Distinguished Service Award.

James W. Mason, who is a Trustee of Wake Forest and who is also on the Law School Board of Visitors, spoke of his admiration for Branch. He presented over \$15,000 donated by his class ('38) and the Board of Visitors to the Justice Branch Fund.

Justice Branch spoke of his love for his family and his love for Wake Forest as important influences in his life. He recalled that the time he has donated to Wake Forest had always been a priority. The main address was given by former Governor James B. Hunt, Jr., who appointed Branch as Chief Justice. Hunt serves on the University Board of Visitors, and also holds an honorary doctorate from the University. He



J. Bruce Eure

spoke of the bright future of Wake Forest, commending the administration, the faculty and the Board of Visitors. He also lauded the support of the Partners and the importance of their contributions.

Concerning Justice Branch, Hunt called him a "true soldier and philosopher about mankind's possibilities and limitations." He stated that Justice Branch had served well all three branches of government, making him a "man for all seasons." Hunt stated that his tenure as Chief Justice was characterized by "slow, solid progress." As examples of improvements made by Branch in the judicial system, Hunt cited: disallowing polygraphs as evidence, permitting television cameras in the courtroom, and scheduling oral arguments at 9:00. He stressed Justice Branch's commitment to his service and his openness to change.

The Joseph Branch Excellence in Teaching Award was also presented. The first recipient was Professor David Logan. Logan, who received \$500, has been teaching at Wake Forest School of Law since 1981.

— Lisa Singer

*Lisa Singer is a third-year student from Greensboro, N.C. and is Editor-in-Chief of The Jurist.*

## Law Telethon Highlighted by Alumni Generosity

The telethon has been an annual event since 1978 and represents a coordinated effort between the Office of Law Alumni Activities, the SBA, and the law students. The telethon raised over \$52,000 with 762 pledges. Wake Forest Law School has one of the highest percentages in the nation of alumni participation in giving donations.

For students, the telethon provides a break from their studies in the beginning of the Spring semester. Around

## Class Notes

### 1950

**James E. Walker** joined the Charlotte-based law firm of Kennedy, Covington, Loddell and Hickman as a partner on July 1, 1986.

### 1955

**Albert B. Russ** has retired from corporate practice and has been elected Chairman of the Board and President of the Kiwanis Club of Jacksonville, FL.

### 1966

**Lawrence S. Groff** is a partner in the Lincoln, Rhode Island, firm of Oster, Groff, and Prescott. He is a member of the Society for American Baseball Research.

**James R. Melvin** has opened an office in the general practice of law in Elizabethtown, NC.

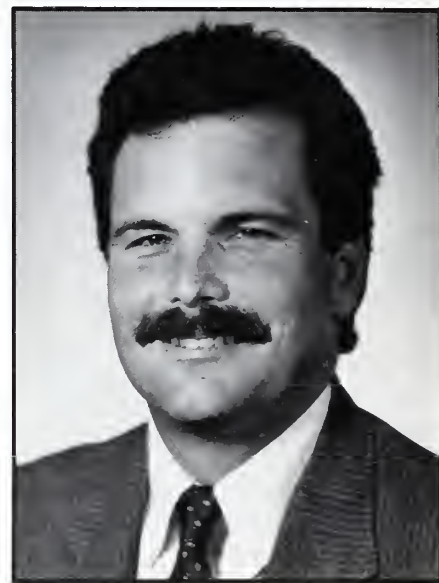
### 1973

**Walton C. Jennette** has been appointed group vice president and manager of the Employee Benefits Division of the Trust Department at the First National Bank of Atlanta.

**Joseph Trippe Nall** is currently filling a seat as a member of the National Transportation Safety Board. Mr. Nall was appointed by President Reagan on April 15, 1986 and his term shall extend until December 31, 1987.

### 1975

**Robert F. Siler** has announced the formation of Siler and Clark, 8 Iotla Street, Franklin, NC on April 1, 1986.



*Joseph Trippe Nall*

### 1976

**Kenneth R. Jacobson** and **Harold W. Beavers** ('81) have formed the partnership of Jacobson and Beavers, Suite 201, 400 West Market Street, PO Box 1558, Greensboro, NC.

On May 4, 1986, Mr. and Mrs. **Michael Corbet Stovall, Jr.** became the proud parents of Christopher Talley Stovall.

### 1977

**Daniel Mercer** is the supervisor of Commercial Loan Documentation, Compliance Officer, and Assistant Cashier for the First Jersey National Bank/South of Atlantic City, NJ.

### 1978

**Major Thomas K. Leeper** was appointed State's Attorney of Adams County in Quincy, IL. His new address is Adams County Court House, 521 Vermont Street, Quincy, IL 62301.

**J. Randolph Ward** has relocated his offices to Suite 100 Chancellor Building, 100 East Parrish Street in Durham, NC.

92 students participated in January and were rewarded a few weeks later with a party hosted by Dean Scarlett at Bermuda Run Country Club.

The donations given during the telethon represent an important source of funds to the law school. The generosity of law alums represents even more to Wake than mere money. It represents a loyalty to the school and a faith in its ability to prepare students for a legal career. James Bullock is the new Director of Law Alumni Activities.

— Erik Nyce

*Erik Nyce is a third-year student from Washington, D.C.*



## 1979

**R. Stewart Barroll** is a partner in the Maryland firm of Hoon and Barroll. He is a member of Ducks Unlimited Committee for Kent County and serves as President of the Chester Rowing Club, Inc. On May 4, 1986, he and his wife became the proud parents of Virginia Spencer Barroll.

**Michael A. Colliflower** was promoted to the position of Associate Counsel with Jefferson Standard Life of Greensboro, NC. He was also elected Director of the Greensboro Chapter of Chartered Life Underwriters.

**J. Corpening, Billy Mason** ('80), and **Holt Trotman** ('80) caught a 48.45 pound King Mackerel while participating in the October 3rd Mackerel Tournament in Southport, NC. Their second place prize was worth \$10,000.

## 1980

**Carol L. Allen** has joined the law firm of Womble, Carlyle, Sandridge, and Rice as an associate.

## 1981

**J. Aldean Webster, III** has joined the Raleigh firm of Young, Moore, Henderson, and Alvis.

## 1982

**C. Scott Hester** has joined the firm of Reinman, Harrell, Silberhorn, Monle, and Graham as an associate.

**Martha G. Hutchens** has joined the firm of Womble, Carlyle, Sandridge, and Rice as an associate.

## 1983

**Micah David Ball** has accepted the position of director of planned support and special gifts in the East Carolina University institutional advancement staff.

**Michael Dodson** has joined the Hartford, CT, firm of Slitt and Gerace. His new address is 111 Pearl Street, Hartford, CT 06107.

**William M. Wilcox, IV**, has joined the firm of Adams, Kleemeier, Hagan, Hannah, and Fouts as an associate.

## 1984

**Nancy S. Davenport** has joined the firm of Pope, McMillan, Gourley, Kutten, and Parker as an associate.

**Wendy R. Hoge** has joined Leaseway Transportation Corp. of Cleveland, OH, as legal counsel.

**John C. Shafer** has completed a two-year clerkship with Judge W. Earl Britt in Federal District Court. He now practices with the Raleigh firm of Faisen, Brown, Fletcher & Brough. He also serves as a member of the Board of Directors of Family Homes of Wake County, Inc. which provides residential services to mentally retarded adults.

**David Warren** is now an associate with Poyner and Spruill of Rocky Mount, NC.

## 1985

**James C. Boerigter** has joined the general practice of Gergley, Rosenhagen, and Meguio of Vicksburg, MI.

## 1986

**K. S. Killinger** announces her new address to be 4054 Golf Village Loop #7, Lakeland, FL 33809.

# Late Breaking News

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## Wake Forest Wins the 37th Annual National Moot Court Competition January 26-30, 1987

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*Justice Byron White, Scott Lovejoy, Donna Sisson, and Karen Williams*

Wake Forest students presented oral argument before Justice Byron White of the US Supreme Court and eight other judges to win the National Moot Court Competition. Wake won over Tulane University and Kansas beat the University of Kentucky in the Final Four Round. Then Wake defeated the University of Kansas to win the National Championship. Scott Lovejoy of Oak Brook, IL, Donna Sisson of Fincastle, VA, and Karen Williams of Nazareth, PA, made up this winning team. The Wake Forest team was recognized by University President

Hearn at the annual Founders' Day ceremonies on February 5. Professor Charles Rose was the team's advisor. The issues argued in the competition involved the scope of the Constitution's Sixth Amendment guarantee of a defendant's right to the effective assistance of his chosen counsel and the sanctity of the attorney-client privilege.

One of the goals of the Competition is to encourage the art of appellate advocacy among law students. Wake Forest puts great emphasis upon litigation training. This is one of the objec-

tives of the 440 Plan. Also, law firms around the country stress litigation skills when selecting new attorneys for employment. The National Moot Court Competition is a rigorous test of these skills.

The National Moot Court Competition is co-sponsored by the Young Lawyers Committee of the Association of the Bar of the City of New York and the American College of Trial Lawyers. The Competition is the oldest and largest of its kind.



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